REMARKS

Applicant cancels claims 1-32 without prejudice and submits pending claims 33-35 to more clearly recite the features of the invention. No new matter has been added.

Claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Corresponding to claim 1, Applicant submits claim 33 directed to a method for a mobile communication system that comprises a feature of error correction decoding conducted by an error correction unit, thus being tied to a particular apparatus. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 101 rejection.

Claims 28-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,868,520 to Fauconnier; and claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fauconnier. Applicant cancels claims 1 and 28-30 without prejudice, and submits claims 33-35 to more clearly recite the features of the invention.

Fauconnier describes a technique in which user information is encoded by a first and a second forward error correction coding method that are different from each other. And first and second error correction coded signals, each normally containing the same user data information, are transmitted simultaneously over separate first and second telecommunication channels, respectively. The coded signals obtained by the first and second forward error correction coding methods are preferably convolutional or turbo codes. The first and second coded signals are punctured and they are differentiated from each other by the number of the punctured bits. And on the receiving side, the original user information may be reconstructed from either a combination of the two coded signals of the received signals and/or from each of the received signals.

Thus, Fauconnier, as cited and relied upon by the Examiner, fails to disclose,

"[a] communication method for a mobile communication system, said communication method comprising:

transmitting data and an error correction code for said data from a transmitting side via separate transmission paths, wherein said data is transmitted via a transmission path without attaching any part of said error correction code, and

receiving at a receiving side, said data and said error correction code for said data and conducts error correction decoding by an error correction unit using both of said received data and said received error correction code," as recited in claim 33. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 33, together with claim 34 dependent therefrom, is patentable over <u>Fauconnier</u> for at least the above-stated reasons.

Claim 35 incorporates features that correspond to those of claim 33 cited above, and is, therefore, patentable over <u>Fauconnier</u> for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

/Dexter T. Chang/
Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100807-00167 (FUSA 22.389)
DTC:tb

84389224_1